

Authorizing The Chairman Of The Ulster County Legislature To Convey A Correction Quitclaim Deed To A Party Who Purchased Real Property Which Was Formerly County-Owned Real Property – Department Of Finance, Division Of Real Property Tax Service

Referred to: The Ways and Means Committee (Chairman Gerentine and Legislators Allen, Bartels, Belfiglio, Briggs, Maio, and Maloney)

Chairman of the Ways and Means Committee, Richard A. Gerentine, and Deputy Chairman Thomas J. Briggs offer the following:

WHEREAS, this Resolution has been submitted by the County Executive on behalf of the Department of Finance, Division of Real Property Tax Service; and

WHEREAS, the County of Ulster acquired title to a parcel by Tax Deed filed in the Office of the Ulster County Clerk on May 22, 2001, in Liber 14 of Tax Deeds at Page 250, said parcel being described as follows:

Parcel #: 238
Town: ULSTER
Formerly Assessed to: CORNACCHIA, JOSEPH
Current Owner: COUNTY OF ULSTER
SBL#: 039.016-0005-029.000-0000
Description: 311
Location: 225 WOODS ROAD (PVT)
Acreage: 0
Front Foot: 156
Depth Foot: 150
Oldest Year of Tax: 1998 G; and

WHEREAS, on April 17, 2003, Joseph Cornacchia paid the County of Ulster two thousand one hundred ninety-five dollars and thirty-nine cents (\$2,195.39) to redeem his former property above described; and

WHEREAS, upon the redemption of said premises, the County of Ulster took steps to return the property to Joseph Cornacchia, to wit: the County Legislature adopted Resolution #152 on May 8, 2003 approving the re-conveyance of the parcel to Joseph Cornacchia, and a Quitclaim/Tax Deed for the parcel was executed on May 14, 2003. Said deed was recorded on June 5, 2003, as document number 2003-00015708, in the Office of the Ulster County Clerk; and

WHEREAS, Joseph Cornacchia died on April 20, 2003, which was before County Resolution # 152 and Quitclaim/Tax Deed Number 2003-00015708 were executed in May 2003 and before the Quitclaim/Tax Deed was recorded with the Ulster County Clerk in June 2003; and

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WHEREAS, real property cannot be conveyed to a party who is dead and therefore must be conveyed to the deceased person's heirs, estate representative or co-owners of the property, depending on the circumstances; and

WHEREAS, Letters Testamentary in the Estate of Joseph Cornacchia, a/k/a Joseph A. Cornacchia, were granted to his surviving spouse, Vivian Cornacchia, by Ulster County Surrogate's Court on February 26, 2008; and

WHEREAS, under the above circumstances, it is necessary and appropriate for the County of Ulster to issue a Correction Deed for the subject parcel to Vivian Cornacchia, as Executrix of the Estate of Joseph Cornacchia, a/k/a Joseph A. Cornacchia, in order to correct the title defect created by the prior deed; and

WHEREAS, such Correction Deed shall be made, executed and delivered subject to the condition and covenant that the said County of Ulster shall in no event be or become liable for any defects in the title so conveyed for any cause whatsoever, or that no claim or demand of any nature shall ever be made against the said County of Ulster, arising from such sale or any proceedings leading thereto; and

WHEREAS, this conveyance constitutes a Type II action under section 2.26 of the County of Ulster's State Environmental Quality Review Act (hereinafter referred to as "SEQRA") Type II List that was adopted in Resolution No. 118 on April 20, 2010; and

WHEREAS, as per section 1 of the County's Type II List, this action does not pose a significant potential environmental impact and may be progressed as a Type II action in accordance with 6 NYCRR Part 617 of SEQRA; now therefore, be it

RESOLVED, that the Ulster County Legislature hereby finds and determines that the property described herein and which is intended to be conveyed herein is appropriate for conveyance to Vivian Cornacchia, as Executrix of the Estate of Joseph Cornacchia, a/k/a Joseph A. Cornacchia, in the interests of equity, fairness and good faith; and be it further

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RESOLVED, that the deed to the property be prepared as follows:

GRANTOR	GRANTEE	DEED TO
County of Ulster Tax Map Parcel: #039.016-0005-029.000-0000	Vivian Cornacchia, as Executrix of the Estate of Joseph Cornacchia, a/k/a Joseph A. Cornacchia	Vivian Cornacchia c/o Jon Hoyt, Esq. 326 Wall Street Kingston, New York 12401

and, be it further

RESOLVED, that the Chairman of the Ulster County Legislature is hereby authorized and directed to make, execute and deliver to said party or his/her/their authorized representative, a Correction Deed conveying the interest of the County in said Parcel, which Correction Deed shall contain the covenant that the said County of Ulster shall in no event be or become liable for any defects in title conveyed for any cause whatsoever, and that no claim or demand of any nature shall ever be made against the County of Ulster arising from such sale, conveyance or the proceedings leading thereto;

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 22 NOES: 0
(Absent: Legislator Loughran)

Passed Committee: Ways and Means on December 13, 2016

FINANCIAL IMPACT:
NONE

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 20th Day of December in the year Two Thousand and Sixteen, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 21st Day of December in the year Two Thousand and Sixteen.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

Submitted to the County Executive this
21st Day of December, 2016.

Approved by the County Executive this
22nd Day of December, 2016.

|s| Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

|s| Michael P. Hein
Michael P. Hein, County Executive